

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING COLLEGIATE
5 STUDENT-ATHLETE RIGHTS AND PROTECTIONS; PROHIBITING A STUDENT-ATHLETE FROM USING A
6 POSTSECONDARY INSTITUTION'S NAME, TRADEMARK, OR LOGO WITHOUT PERMISSION; LIMITING
7 PERMISSIBLE USES OF COMPENSATION FOR A STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS;
8 PROHIBITING AN EMPLOYEE OR CONTRACTOR OF A POSTSECONDARY INSTITUTION FROM
9 PROFESSIONALLY REPRESENTING A CURRENT OR PROSPECTIVE STUDENT-ATHLETE; ALLOWING A
10 POSTSECONDARY INSTITUTION TO PROVIDE CERTAIN EDUCATION AND ASSISTANCE REGARDING
11 NAME, IMAGE, OR LIKENESS OPPORTUNITIES; AMENDING SECTION 20-1-232, MCA; AND PROVIDING
12 AN EFFECTIVE DATE."

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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16 **Section 1.** Section 20-1-232, MCA, is amended to read:

17 **"20-1-232. (Effective June 1, 2023) Student-athlete rights and protections -- prohibitions --**

18 **definitions.** (1) As used in this section, the following definitions apply:

19 (a) "Postsecondary institution" means a 2-year or 4-year public or private college or university
20 located in the state.

21 (b) "Professional representation" means an individual or an entity engaged for the purpose of
22 securing compensation or benefits for a student-athlete's name, image, or likeness.

23 (c) (i) "Student-athlete" means an individual who attends or is eligible to attend a postsecondary
24 institution and engages in or is eligible to engage in an intercollegiate sport.

25 (ii) The term does not include an individual who is permanently ineligible to participate in a
26 particular intercollegiate sport for that sport.

27 ~~(b)(d)~~ (i) "Student-athlete rights" means the rights of a student-athlete ~~enrolled in a postsecondary~~
28 ~~institution~~ to earn compensation for the use of the student-athlete's name, image, or likeness and to contract

with and retain professional representation ~~of an athlete agent~~.

(ii) The term does not include a right to receive compensation from a postsecondary institution.

(2) Except as provided subsections (3) through ~~(6)~~ (8), a postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not:

(a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

(b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

(c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-athlete's rights; or

(d) subject to subsection ~~(5)(a)~~ (7)(a), impose an eligibility requirement on a scholarship or grant that requires a student-athlete to refrain from exercising the student-athlete's rights.

(3) (a) A student-athlete may not enter into a contract that provides compensation to the student-athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the student-athlete's team rules or with terms of a contract entered into between the student-athlete's postsecondary institution and a third party, except the team rules or a contract entered into between the postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the use of the student-athlete's name, image, or likeness when not engaged in official team activities.

(b) A student-athlete who enters into a contract that provides compensation to the student-athlete for the use of the student-athlete's name, image, or likeness shall disclose the contract within 72 hours to an athletic official of the postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team member, at the time the student-athlete seeks to become a team member.

(c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules or with terms of a contract entered into between the student-athlete's postsecondary institution and a third party, the ~~unit~~ postsecondary institution shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the student-athlete's professional representative ~~or athlete agent~~ if the student-athlete is represented.

(d) Unless authorized by the postsecondary institution, a student-athlete may not use the postsecondary institution's name, trademark, service mark, logo, or other identifier of athletic performance when exercising the student-athlete's rights.

(4) Compensation for the use of a prospective or current student-athlete's name, image, or likeness or an offer, promise, or solicitation of compensation for the use of a prospective or current student-athlete's name, image, or likeness:

(a) may not be made to attempt to influence the decision of the student-athlete to attend, continue attending, or transfer to a postsecondary institution or a postsecondary institution in a conference;

(b) may be made only for the use of the student-athlete's name, image, or likeness; and

(c) may not be made for the student-athlete's performance, participation, or service in an intercollegiate sport.

~~(4)~~(5) A postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of the student-athlete's name, image, or likeness.

(6) An employee or a contractor of a postsecondary institution may not provide professional representation to a current or prospective student-athlete.

~~(5)~~(7) A postsecondary ~~school~~ institution may:

(a) include provisions in scholarship agreements allowing the postsecondary ~~school~~ institution to use the student-athlete's name, image, and likeness;

(b) prohibit the use of ~~an a~~ a student-athlete's name, image, and likeness on ~~school~~ the postsecondary institution's property, at school functions, or in any advertising material distributed or placed on school property;

(c) ~~serve as an agent for the athlete to manage any contract using an athlete's name, image, and likeness; or provide name, image, or likeness educational programming;~~

(d) assist with evaluating the student-athlete's name, image, or likeness opportunities;

(e) assist with name, image, or likeness compliance and disclosure requirements;

(f) assist in the evaluation of professional representation providers; or

~~(d)~~(g) do any combination of subsections ~~(5)(a) through (5)(e)~~ (7)(a) through (7)(f).

~~(6)~~(8) Nothing in this section prohibits a postsecondary institution from establishing or enforcing a conduct code that is applicable to all students enrolled at the ~~unit~~ postsecondary institution."

2 - END -